

State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
December 8, 2015
Minutes Index

I.	Call to Order	1
	A. Amendments to Agenda.....	1
	B. Scheduled Agenda Items (none)	
II.	Complaints	
	1. CR14-56.....	2
	2. CR15-123.....	2
	3. CR15-144.....	2
	4. CR15-138.....	2
	5. CR15-147.....	3
	6. CR15-95.....	3
	7. CR15-104.....	3
	8. CR15-118.....	3
	9. CR15-119.....	3
	10. CR15-120.....	3
	11. CR15-128.....	4
	12. CR15-135.....	4
	13. CR15-139.....	4
	14. CR15-142.....	4
	15. CR15-143.....	4
	16. Intentionally left blank	
III.	Assessment and Direction	
	17. AD15-29	4
	18. Intentionally left blank	
	19. Pending Adjudicatory Hearings and Informal Conferences report	5
	20. Consumer Outreach Specialist Feedback (none)	
	21. Physician Feedback.....	5
IV.	Informal Conference (none)	
V.	Minutes of November 10, 2015	5
VI.	Board Orders & Consent Agreement Monitoring and Approval	
	A. Board Orders	
	1. Aasim Shaheen Sehbai, M.D.	5
	B. Consent Agreement Monitoring and Approval	
	1. Albert Aniel, MD (Request)	5
VII.	Adjudicatory Hearing (none)	
VIII.	Remarks of Chairman (none)	
IX.	Remarks of Executive Director	
	A. PDMP Center of Excellence Study.....	5-6
	B. Roundtable Discussion on Opioid Prescribing Practices.....	6
X.	Assistant Executive Director's Monthly Report	6

	A. Complaint Status Report	6
	B. Licensing Feedback	6
XI.	Medical Director's Report (none)	
XII.	Remarks of Assistant Attorney General (none)	
XIII.	Secretary's Report	
	A. Licenses Issued	
	1. M.D. Licenses	6-7
	2. P.A. Licenses	7
	B. Applications for Individual Consideration (none)	
	C. Applications for Reinstatement	
	1. Applications for Reinstatement.....	7
	2. Applications for Reinstatement for Individual Consideration (none)	
	D. Withdrawals	
	1. Withdraw License Application (none)	
	2. Withdraw License from Registration.....	7
	3. Withdraw License from Registration - Individual Consideration (none)	
	E. Licenses to lapse by operation of law	8
	F. Licensees requesting to convert to active status	
	1. John Costa, M.D.	8
	G. Renewal applications for review	
	1. Tracy Jalbuena, M.D.....	9
	H. Physician Assistant Schedule II Authority Requests	
	1. Applications to Renew Schedule II Authority	9
	2. Applications for New Schedule II Authority	9-10
	3. Physician Assistant Schedule II Authority Requests – Individual Consideration (none)	
XIV.	Rulemaking	
	A. Chapter 3 Telemedicine Rules	10
XV.	Policy Review	
	A. Physician Assistants Ordering Schedule II Drugs (advisory ruling)	10
	B. Delegation by Physician Assistants (advisory ruling)	10
XVI.	Requests for Guidance	
	A. Request for review of Controlled Substance Contract and Protocols.....	10
XVII.	Standing Committee Reports	
	A. Licensure and CME Committee.....	10-11
	B. P.A. Advisory Committee	
	1. Committee Appointment/Reappointment requests	11
XVIII.	Board Correspondence (none)	
XIX.	FSMB Material	
	A. 2016 Annual Meeting	11
	B. Call for Nominations of Candidates for Elected Office.....	11
XX.	FYI	11
XXI.	Other Business	
	A. Executive Session to Consider a Personnel Matter.....	11-12
XXII.	Adjournment	12

**State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of December 8, 2015**

Board Members Present

Maroulla S. Gleaton, M.D., Board Chairman
David D. Jones, M.D., Board Secretary
Louisa Barnhart, M.D.
David H. Dumont, M.D.
David Nyberg, Ph.D.
Christopher R. Ross, P.A.-C
Peter J. Sacchetti, M.D.
Lynne M. Weinstein

Board Staff Present

Dennis E. Smith, Executive Director
Timothy E. Terranova, Assistant Executive Director
Julie A. Best, Consumer Outreach Specialist
Maureen S. Lathrop, Administrative Assistant
Katie Feliciano, Investigative Secretary

Attorney General's Office Staff Present

Michael Miller, Assistant Attorney General
Detective James Gioia

The Board met in public session, with the exception of the times listed below, which were held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (*e.g.*, 1 M.R.S. § 405; 10 M.R.S. § 8003-B; 22 M.R.S. § 1711-C; 24 M.R.S. § 2510; 32 M.R.S. § 3282-A). The Board moved, seconded, and voted the following executive session times. During the public session of the meeting, actions were taken on all matters discussed during executive session.

EXECUTIVE SESSIONS

PURPOSE

12:55 p.m. – 1:53 p.m.

Personnel matter

RECESSES

10:25 a.m. – 10:40 a.m.

Break

12:05 p.m. – 12:25 p.m.

Lunch

12:44 p.m. – 12:54 p.m.

Break

I. Call to Order

Dr. Gleaton called the meeting to order at 9:10 a.m.

A. Amendments to Agenda

- 1. FSMB Call for Nominations of Candidates for Elected Office**
- 2. Physician Feedback Regarding Newsletter**
- 3. Executive Session to consider a personnel matter**

B. Scheduled Agenda Items (none)

II. Complaints

1. CR14-56

Dr. Jones moved to set the matter for an adjudicatory hearing and authorize AAG Miller to negotiate a consent agreement to include probation with the following terms: 1) the licensee must have a system in place by March 15, 2016 to have all office notes typed; 2) a review of six (6) medical records by the Board in April 2016; and 3) the licensee must complete or be enrolled in a course regarding medical record keeping within six (6) months. Dr. Dumont seconded the motion, which passed 6-0-0-2. Dr. Gleaton and Dr. Barnhart were recused from this matter and left the room.

2. CR15-123

Dr. Jones moved to dismiss the complaint. Dr. Sacchetti seconded the motion, which passed unanimously.

MOTION: A patient complains about her evaluation by a physical and rehabilitative physician at an orthopedic spine clinic. Review of the record reveals thoughtful, conservative, reasonable care. She was appropriately referred to other physicians for further care. The patient raised HIPAA compliance concerns; the physician addressed these concerns with her staff to make improvements.

3. CR15-144

Dr. Sacchetti moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

MOTION: The complainant saw the physician for a disability examination in 2012 and contends that the examination report resulted in a negative disability determination, to his detriment. A review of relevant records does not support the allegation, and there is no evidence of violation of a Board statute or rule.

4. CR15-138

Dr. Sacchetti moved to dismiss the complaint. Dr. Jones seconded the motion, which passed 7-0-0-1. Dr. Dumont was recused from this matter and left the room.

MOTION: The complaint is submitted by the patient's daughter, in whom the patient confided days before dying of cancer. Based on what was communicated, the daughter conjectures that the patient might still be alive if certain symptoms had been properly addressed. She alleges that the physician knew of such symptoms and failed to address them. Review of the medical record shows the patient was seen regularly by the physician whose history and exam findings revealed nothing unexpected or unusual, including information obtained during a routine office visit one month prior to the patient's rapid decline. The pathology revealed an aggressive form of lung cancer, which explains why it spread so quickly.

5. CR15-147

Dr. Dumont moved to require the physician to undergo a § 3286 evaluation. Mr. Ross seconded the motion, which passed 7-0-0-1. Dr. Jones was recused from this matter and left the room.

6. CR15-95

Dr. Dumont moved to set the matter for an adjudicatory hearing and to authorize AAG Miller to negotiate a consent agreement to include the following terms: 1) revocation of license; 2) assessment of costs of investigation; and 3) assessment of a \$1,000 fine. Dr. Jones seconded the motion, which passed unanimously.

7. CR15-104

Dr. Barnhart moved to set the matter for an informal conference. Mr. Ross seconded the motion, which passed unanimously.

8. CR15-118

Ms. Weinstein moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

MOTION: The patient complains that the physician did not address his symptoms adequately. In a follow up appointment the physician had better success communicating his findings with the patient. The physician learned from this experience several ways to improve his ability to explain medical information to patients.

9. CR15-119

Ms. Weinstein moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

MOTION: The patient complains about the care he received from the medical director of a primary care clinic. The complaint concerned pain care management. Review of the medical record reveals thoughtful, appropriate care.

10. CR15-120

Ms. Weinstein moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

MOTION: The patient complains about the care he received from his primary care physician. The complaint concerned treatment of a neurologic disorder. Review of the medical record reveals thoughtful, appropriate care.

11. CR15-128

Mr. Ross moved to dismiss the complaint. Dr. Jones seconded the motion, which passed 7-0-0-1. Dr. Sacchetti was recused from this matter and left the room.

MOTION: The patient's grandson complains that the physician did not order a neurological assessment of his grandmother and is practicing beyond his scope of practice. The physician explained his relations with the patient and her family, has ordered the neurological assessment, and now all agree on the diagnosis.

12. CR15-135

Dr. Jones moved to investigate further. Dr. Sacchetti seconded the motion, which passed 7-0-0-1. Dr. Dumont was recused from this matter and left the room.

13. CR15-139

Mr. Ross moved to investigate further. Dr. Sacchetti seconded the motion, which passed unanimously.

14. CR15-142

Mr. Ross moved to allow the complainant to withdraw the complaint. Dr. Jones seconded the motion, which passed unanimously.

15. CR15-143

Dr. Barnhart moved to dismiss the complaint. Mr. Ross seconded the motion, which passed 7-0-0-1. Dr. Dumont was recused from this matter and left the room.

MOTION: The patient complains about the physician's attitude and unprofessional manner during an office visit and examination. The physician explains that he saw the patient only once, conducted the appropriate interview and examination, and did his best to explain his findings. The patient did not accept the findings.

16. Intentionally left blank

III. Assessment and Direction

17. AD15-29

Dr. Dumont moved to file the matter. Dr. Sacchetti seconded the motion, which passed 7-0-0-1. Dr. Jones was recused from this matter and left the room.

18. Intentionally left blank

19. Pending Adjudicatory Hearings and Informal Conferences report

This material was presented for informational purposes. No Board action was required.

20. Consumer Outreach Specialist Feedback (none)

21. Physician Feedback

The Board reviewed feedback from a physician regarding the inclusion of adverse action information in the Board's newsletter. The Board instructed staff to respond to the physician's concerns.

IV. Informal Conference (none)

V. Minutes for Approval

Dr. Dumont moved to approve the minutes of the November 10, 2015 meeting. Dr. Barnhart seconded the motion, which passed 6-0-1-0 with Dr. Sacchetti abstaining. Dr. Gleaton was not present.

VI. Board Orders & Consent Agreement Monitoring and Approval

A. Board Order

1. Aasim Shaheen Sehbai, M.D. [Appendix A]

Dr. Nyberg moved to accept the Board Order. Dr. Jones seconded the motion, which passed 7-0-1-0 with Dr. Sacchetti abstaining.

B. Consent Agreement Monitoring and Approval

1. Albert Aniel, M.D.

Dr. Nyberg moved to deny Dr. Aniel's request to terminate the Consent Agreement. Dr. Jones seconded the motion, which passed unanimously.

VII. Adjudicatory Hearing (none)

VIII. Remarks of Chairman (none)

IX. Remarks of Executive Director

A. PDMP Center of Excellence Study

Mr. Smith presented information regarding a study being conducted by The Prescription Drug Monitoring Program Center of Excellence (COE) at Brandeis University on the effects of Board disciplinary actions on inappropriate prescribing of controlled

substances. The Board expressed interest in participating in the study. Dr. Gleaton and Dr. Dumont will participate in the survey process.

B. Roundtable Discussion on Opioid Prescribing Practices

Mr. Smith reported on his recent attendance at the Roundtable Discussion on Opioid Prescribing Practices hosted by Senator Angus King.

X. Assistant Executive Director's Monthly Report

Mr. Terranova reported on the status of updates to the Board's licensing process.

A. Complaint Status Report

As of December 1, 2015 there are sixty-one complaints outstanding. One hundred thirty complaints have been received year-to-date and one hundred fifty-two have been closed so far this year.

B. Licensing Feedback

This information was presented for informational purposes. No Board action was required.

XI. Medical Director's Report (none)

XII. Remarks of Assistant Attorney General (none)

XIII. Secretary's Report

A. Licenses Issued

1. M.D. Licenses Issued

The following license applications have been approved by Board Secretary, David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Aggarwal, Gitika	A&C Pathology	not specified
Bierden, Rebecca M.	Physical Medicine & Rehabilitation	Portland
Chao, Cynthia T.	General Surgery	Portland
Dealy, Robert S.	Psychiatry	Brunswick
Del Rio, Armando I.	Internal Medicine	Portland
Emery, Heather D.	Pediatrics	Portland
Farnum, Elisabeth	Family Medicine	not specified
Radwan, Sarah V.	Pediatrics	Lewiston
Reilly, Tracey H.	Emergency Medicine	not specified
Saito, Kenji	Occupational Medicine	Presque Isle
Shneker, Bassel F.	Psychiatry & Neurology	not specified

Sullivan, Elizabeth H.	General Surgery	Central Maine
Verma, Vishal	Diagnostic Radiology	not specified
Wood, Nicole A.	Family Practice	CVS Clinics

2. P.A. Licenses Issued

The following physician assistant license applications have been approved by Board Secretary, David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>LICENSE</u>	<u>PSP</u>	<u>LOCATION</u>
Barrett, Jennifer	Active	Karlsson, Julia	Waterville
Baysol, Allison	Active	Newman, Michael	Auburn
Corbin, Arthur	Active	Acharya, Deep	Waterville
Harrison, Dael	Active	Bancroft, John	Portland
Howard, Sarah	Inactive	none	none
Nehrt, Ursula	Inactive	none	none
Rider, Brandon	Active	McCarthy, James	Bangor
Saylor, Stephen	Inactive	none	none

B. Applications for Individual Consideration (none)

C. Applications for Reinstatement

The following license reinstatement application has been approved by staff and Board Secretary David D. Jones, M.D. without reservation:

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Bagneris, Gina M.	Emergency Medicine	Waterville

D. Withdrawals

1. Withdraw License Application (none)

2. Withdraw License from Registration

Dr. Dumont moved to approve the following licensees' requests to withdraw from registration. Dr. Nyberg seconded the motion, which passed unanimously.

<u>NAME</u>	<u>LICENSE NUMBER</u>
Beatty, Gary L.	MD10645
Bhargava, Sandeep	MD18684
Dumont, Raymonde	MD13429
LeRoyer, Charles P., III.	PA274
Montemarano, Vincent Angelo	MD20002
Sawalha, Leith	MD17669
Seabold, Linda	PA528

3. Withdraw License from Registration – Individual Consideration (none)

E. Licenses to Lapse by Operation of Law

The following licenses lapsed by operation of law effective November 17, 2015.

<u>NAME</u>	<u>LICENSE NUMBER</u>
Agbunag, Melody	MD11498
Arekatla, Vasudha	MD17148
Beristain, Xabier	MD19031
Boucher, Lisa	PA646
Brown, Timothy	PA1395
Bruce, Mary	PA1382
Carreno, Octavio D.	MD17460
Cope, Sara K.	MD5839
Cory, Robert P.	MD16696
Degefu, Fikre W.	MD19422
Ferraz, Francisco M.	MD17762
Ghotra, Harpreet S.	MD19412
Gollol-Raju, Narashimha S.	MD18209
Jones, Mark C.	MD20023
Kiefer, Patrick J.	MD19076
Meaker, Nelson	PA698
Mohan, Shauline N.	MD20239
Olafsson, Andri G.	MD17396
Omari, Abdullah M.	MD17350
Raskauskas, Thomas A.	MD18778
Schultze-Goldblatt, Pamela	MD16808
Singh, Dolly	MD20361
Slap, Joseph W.	MD18657
Stubblefield, Jon	MD1398
Varghese, Tiny	MD20012
Walker, Robert P.	MD15800
Yeruva, Marreddy	MD16564

F. Licensees Requesting to Convert to Active Status

1. John Costa, M.D.

The Licensure Committee moved to table the application pending a § 3286 evaluation and to offer Dr. Costa leave to withdraw his request for an active status license. The motion passed unanimously.

G. Renewal Applications for Review

1. Tracy Jalbuena, M.D.

The Licensure Committee moved to approve Dr. Jalbuena's application for renewal of her active status medical license. The motion passed unanimously.

H. Physician Assistant Schedule II Authority Requests

1. Applications to Renew Schedule II Authority

The following renewal requests for Schedule II prescribing authority have been approved by Board Secretary, David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Bailey, Stephen	Jawed, Ali K.	Bangor
Beckett, Brenda	Brown, Mark O.	Bar Harbor
Beckett, Brenda	Krevans, Julius, Jr.	Bar Harbor
Buchanan, Phyllis	Dickens, John	Waldoboro
Buxton, Amy	Buchanan, Scott	Portland
Christensen, Gregg	Peck, Darin	Greenville
Dumont, Melanie	Mullen, James	Brunswick
Ferland, Michelle	Turner, James	Bangor
Gagnon, Reagan	Blake, Michael	Lewiston
Gagnon, Samuel	Boedeker, Hans	Bridgton
Hinman, Emily	Asherman, Dirk	Portland
Luck, Michael	Dionne, Andrew	Augusta
Luck, Michael	Webb, Timothy	Waterville
Mallory, Norman	Steele, Edward	Bangor
Nash, Kay	Ritter, Christopher	Old Town
O'Connor, Shaun	Herbert, Daniel	Millinocket
Oddleifson, Jennifer	Dickens, John	Waldoboro
O'Toole, Teagan	Cheff, Susan	Old Town
Troubh, Bonnie	Brewster, Steven	South Portland

2. Applications for New Schedule II Authority

The following new requests for Schedule II prescribing authority have been approved by Board Secretary, David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Bailey-Scott, Elizabeth	Dionne, Andrew	Augusta
Capuano, Dennis	O'Donnell, Sean	Damariscotta
Case, Amy	Blake, Michael	Lewiston
Cleaveland, Robert	Fuchs, Rose	Patten
Gagnon, Reagan	Blake, Michael	Lewiston
Grace, Timothy	Blake, Michael	Lewiston
Greenwald, Julia	Blake, Michael	Lewiston
Grygiel, Kate	Edwards, Nina	Lewiston
Jackson, Lori	Weigel, Tracey	Portland

Kelly, Timothy	Blake, Michael	Lewiston
LaPlante, Danielle	Blake, Michael	Lewiston
Michalka, Angela	Bruehl, Michael	Brewer
Morong, Shane	Quinn, Reed	Portland
Noreika, Frank	Blake, Michael	Lewiston
Noreika, Stacey	Blake, Michael	Lewiston
Porter, Sue	Macharia, Thomas	Presque Isle
Reeder, Sara	Reilly, James	Lewiston
Sawyer, Candice	Werner, Lynne	Westbrook
Sorbello, Joseph	Durcan, Mark	Scarborough
Stepp, Shawn	Blake, Michael	Lewiston

3. Physician Assistant Schedule II Authority Requests – Individual Consideration (none)

XIV. Rulemaking

A. Chapter 3 Telemedicine Rule

After discussion, the Board instructed staff to make changes to the draft and present it for review at the next meeting.

XV. Policy Review

A. Physician Assistants Ordering Schedule II Drugs (advisory ruling)

Dr. Jones moved to retire the advisory ruling as this issue is addressed by Board rule. Dr. Nyberg seconded the motion, which passed unanimously.

B. Delegation by Physician Assistants (advisory ruling)

Dr. Dumont moved to retire the advisory ruling as this issue is addressed by a recent statutory change. Dr. Jones seconded the motion, which passed unanimously.

XVI. Requests for Guidance

A. Request for review of Controlled Substance Contract and Protocols

The Board reviewed a letter from a medical practice regarding recent updates to its controlled substance contract and office protocols. After discussion, the Board instructed staff to refer the medical practice to appropriate resources for review of its contract and protocols.

XVII. Standing Committee Reports

A. Licensure and CME Committee

Mr. Terranova gave a brief report regarding a recent computer issue that affected receipt of licensure applications. The issue has been resolved.

B. P.A. Advisory Committee

1. Committee Appointment/Reappointment requests

The Board reviewed requests from several physician assistant members of the P.A. Advisory Committee for reappointment to second terms, and a request from a physician for first-time appointment to the committee. After discussion, Mr. Ross moved to reappoint Ruth McNiff, P.A.-C and Ronald Oldfield, P.A.-C to second terms and to appoint Scott Thomas, D.O. for a first term. Dr. Barnhart seconded the motion, which passed 7-0-0-1. Dr. Jones was recused from this matter and left the room.

XVIII. Board Correspondence (none)

XIX. FSMB Material

A. 2016 Annual Meeting

Dr. Jones moved to authorize Dr. Nyberg and Dennis Smith, Executive Director, or his designee, to attend the 2016 Federation of State Medical Board's annual meeting in San Diego, California April 28 – 30, 2016. Mr. Ross seconded the motion, which passed 7-0-1-0 with Dr. Nyberg abstaining.

B. Call for Nominations of Candidates for Elected Office

The Board discussed a request from the Federation of State Medical Boards for nominations for elected office. No nominations were made.

XX. FYI

This material was presented for informational purposes. No Board action was required.

XXI. Other Business

A. Executive Session to Consider a Personnel Matter

Board members present: Maroulla S. Gleaton, M.D., David D. Jones, M.D., Louisa Barnhart, M.D., David H. Dumont, M.D., David Nyberg, Ph.D., Christopher R. Ross, P.A.-C, Peter J. Sacchetti, M.D., and Lynne M. Weinstein

Also present: Dennis E. Smith, Executive Director; Timothy E. Terranova, Assistant Executive Director; Michael Miller, AAG; and Sue Bell, Human Resources Director.


Dr. Dumont made a motion to enter executive session to consider a personnel matter pursuant to 1 M.R.S. § 405(1)(F). Dr. Jones seconded the motion, which passed unanimously. The Board entered executive session at 12:55 p.m.

Dr. Dumont made a motion to come out of executive session. Dr. Sacchetti seconded the motion, which passed unanimously. The Board came out of executive session at 1:53 p.m.

XXII. Adjournment

Mr. Ross moved to adjourn the meeting at 1:53 p.m. Dr. Jones seconded the motion, which passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script, reading "Maureen S. Lathrop".

Maureen S. Lathrop
Administrative Assistant

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In Re: Aasim Shaheen Sehbai, M.D.

Complaint CR 15-67

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DECISION AND ORDER

I. PROCEDURAL HISTORY

Pursuant to the authority found in 5 M.R.S. §§ 9051 et seq., 10 M.R.S. § 8003(5), and 32 M.R.S. §§ 3269 and 3282-A, the Maine Board of Licensure in Medicine ("Board") met in public session at its offices in Augusta, Maine, on November 10, 2015. The purpose of the meeting was to conduct an adjudicatory hearing to determine whether grounds existed to impose discipline on the medical license of Aasim Sehbai, M.D. ("Licensee").

By letter dated October 8, 2015, the Licensee was notified of the date of the hearing. On November 2, 2015, following a prehearing conference, a Conference Order was issued setting deadlines for the submission of exhibits and witness lists.

A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Louisa Barnhart, M.D.; David H. Dumont, M.D.; David D. Jones, M.D.; David Nyberg, Ph.D., Public Member; Christopher R. Ross, P.A.-C.; Lynne Weinstein, Public Member; and Chair Maroulla Gleaton, M.D. Dr. Sehbai was present and represented himself. Michael Miller, Esq., Assistant Attorney General, represented the State of Maine. Rebekah Smith, Esq., served as Hearing Officer. The hearing was held in accordance with the requirements of the Administrative Procedures Act, 5 M.R.S. §§ 9051 et seq.

State Exhibits #1 to #14 were admitted without objection. The Board took notice of its statutes and rules and confirmed that no participating member had any conflict of interest or bias

that would prevent him or her from rendering an impartial decision in this matter. Each party presented an opening statement. The State presented the Licensee and Jeffrey L. Ford, Investigative Supervisor, of the Delaware Department of State, Division of Professional Regulation, as witnesses. Mr. Ford testified telephonically. Each party made a closing statement. The Board then deliberated and made the following findings of fact and conclusions of law by a preponderance of the credible evidence regarding the allegations against Dr. Sehbai.

II. FINDINGS OF FACTS

1. On May 21, 2014, the Licensee signed a Consent Agreement in a matter pending before the Delaware Board of Medical Licensure and Discipline ("Delaware Medical Board"). (State Exh. #8.) In the Consent Agreement, which was approved by the Delaware Medical Board on June 3, 2014, the Licensee acknowledged that on or about November 29, 2012, he instructed an administrative assistant to type a reference letter on behalf of another physician and instructed that the letter should state that the physician had worked under the Licensee's direction for two months at the Tunnell Cancer Center at the Beebe Medical Center in Lewes, Delaware. (State Exh. #8.) The Licensee instructed the administrative assistant to use a previous letter he had written for another physician as a template. (State Exh. #8.) Neither physician, however, had ever worked with the Licensee or at the Tunnell Cancer Center. (State Exh. #8.) Both physicians had graduated from foreign medical schools and were seeking admission to residency programs in the United States. (State Exh. #8.) The second letter of recommendation was not mailed. (State Exh. #8.) As a sanction for the Licensee's unprofessional conduct, pursuant to the Consent Agreement, the Delaware Medical Board imposed a letter of reprimand and a fine of \$2,000 and ordered him to undertake five hours of continuing education in the area of ethics. (State Exh. #8.)

2. The Licensee wrote the deceptive letters in an effort to assist the two foreign physicians in gaining admittance to residency programs in the United States. (Testimony of Licensee.)
The Licensee acknowledged that his actions were wrong. (Testimony of Licensee.)
3. On June 25, 2014, the Chief of Medicine and the President of Medical Staff at Beebe Healthcare reported to the Delaware Division of Professional Regulation that the Licensee had committed conduct they considered to be unprofessional, which had resulted in his separation from employment. (State Exh. #11.) In July 2014, the Delaware Medical Board notified the Licensee that Beebe Healthcare had filed a complaint against him. (Testimony of Licensee; Ford.) In September 2014, through counsel, the Licensee filed a response to the complaint with the Delaware Medical Board. (Testimony of Ford.)
4. On October 27, 2014, the Licensee filed a Uniform Application for Physician Licensure seeking licensure in Maine. (State Exh. #5.) The Licensee disclosed his 2012 conduct in Delaware that led to the June 2014 Consent Agreement with the Delaware Medical Board, although he described his error as relating to only one medical student rather than two. (State Exh. #5.) The Licensee indicated that he had no other history of any disciplinary action. (State Exh. #5.)
5. Pursuant to his application, on October 31, 2014, the Licensee signed an affidavit indicating that he would immediately notify the Board in writing of any changes to the answers to any of the questions contained in his application if such a change occurred at any time prior to a license to practice medicine being granted to him by the Board. (State Exh. #5.) In the affidavit, the Licensee also attested to his understanding that his failure to answer questions contained in the application truthfully and completely could lead to denial, revocation, or other disciplinary sanction of his license to practice medicine. (State Exh. #5.)

6. On December 9, 2014, a complaint was filed against the Licensee by the Delaware Medical Board and the Delaware Attorney General regarding the May 2014 incident at Beebe Healthcare. (State Exh. #10.)
7. The Licensee's application for licensure as a medical doctor in Maine was granted on February 10, 2015. (State Exh. #2.) His license expires on May 31, 2016. (State Exh. #2.)
8. The Licensee did not report the second Delaware complaint to the Board on his application or at any time before he was licensed. (Testimony of Licensee.) He testified that he had been informed by his Delaware attorney that the second matter would be resolved and he did not want reporting it to impact his ability to get a job since at the time of his application he was unemployed. (Testimony of Licensee.) The Licensee attributed the complaint filed by Beebe Healthcare to an internal disagreement between the hospital administration and himself. (Testimony of Licensee.) He also testified that he did not remember that the application required him to tell the Board of any new disciplinary action. (Testimony of Licensee.)
9. On March 19, 2015, the Licensee signed a Consent Agreement, approved by the Delaware Medical Board on April 7, 2015, regarding his May 2014 actions. (State Exh. #11.) In the Consent Agreement, the Licensee acknowledged that on May 1, 2014, he had dispensed a prior patient's oral chemotherapy medication to a current patient in an unlabeled container and in violation of hospital policy, without documenting the patient's medical records to indicate that he had provided her with the medication or to include the instructions he had provided regarding the medication. (State Exh. #11.) The Licensee provided the medication to the patient, whose cancer was rapidly progressing, as a sample while he sought insurance approval for a prescription. (Testimony of Licensee.) The Licensee documented the clinical protocol on his medical note but did not document the patient's

electronic medical record to indicate that the medication had been provided to the patient with instructions. (State Exh. #11.) Before the patient took the medication, however, the Licensee contacted her and instructed her not to take it and to instead return it to him because it would not likely be approved by her insurance company for payment in combination with another medication he had prescribed. (State Exh. #11.) The Licensee also acknowledged in the Consent Agreement that on or about May 20, 2014, in anticipation of a meeting with Beebe Healthcare administration, he had drafted a letter in defense of his conduct as if it was written by the patient and the following day requested that the patient come to his office while she was in the facility for treatment. (State Exh. #11; Testimony of Licensee.) The patient signed four original copies of the letter because she did not want the Licensee to get into any trouble, although she reported to Beebe Healthcare administration that she was uncomfortable and did not entirely agree with the letter. (State Exh. #11.) At the November 10, 2015, hearing, the Licensee expressed remorse for asking the patient to sign the letter. (Testimony of Licensee.)

10. In the Consent Agreement, the Licensee agreed that his conduct was unprofessional and in violation of Delaware statutes. (State Exh. #11.) As a sanction, the Licensee was required to provide quarterly reports to the Board for two years, take ten additional hours of continuing education in the area of professionalism, and pay a \$1,000 fine. (State Exh. #11.)

11. On April 28, 2015, a National Practitioner Databank report was issued indicating that the Licensee had been disciplined a second time by the Delaware Medical Board on April 7, 2015. (State Exh. #6.)

12. By letter dated May 27, 2015, the Board notified the Licensee that a complaint had been initiated against his Maine medical license regarding his failure to inform the Board of the

complaint filed with the Delaware Division of Professional Regulation by Beebe Healthcare in June 2014, the December 2014 complaint filed against the Licensee by the Delaware Attorney General, and the subsequent Consent Agreement that the License signed on March 19, 2015. (State Exh. #3.)

13. On June 17, 2015, the Licensee filed a response to the complaint with the Board. (State Exh. #4.)

14. The Licensee currently practices medicine on a temporary basis in North Carolina. (Testimony of Licensee.) He is experiencing consequences from the two disciplinary actions in Delaware including refusal of some insurers to cover the medical treatment he provides to patients. (Testimony of Licensee.)

III. GOVERNING STATUTES AND RULES

1. The Maine Board of Licensure in Medicine may modify, restrict, suspend, revoke, or refuse to renew a license if the licensee engaged in the practice of fraud, deceit, or misrepresentation in obtaining a license or in connection with service rendered within the scope of the license issued. 32 M.R.S. § 3282-A(2)(A).
2. The Board may modify, restrict, suspend, revoke, or refuse to renew a license if the licensee engaged in unprofessional conduct. 32 M.R.S. § 3282-A(2)(F). A licensee is considered to have engaged in unprofessional conduct if he violated a standard of professional behavior that has been established in the practice for which he is licensed. 32 M.R.S. § 3282-A(2)(F).
3. The Board may modify, restrict, suspend, revoke, or refuse to renew a license on the basis of a revocation, suspension, or restriction of a license to practice medicine or other disciplinary action by another state if the conduct resulting in disciplinary action involving the license would, if committed in the State of Maine, constitute grounds for discipline under the laws or rules of the State of Maine. 32 M.R.S. § 3282-A(2)(M).

IV. CONCLUSIONS OF LAW

The Board, considering the above facts and those alluded to in the record but not referred to herein, determined that it had jurisdiction over Licensee Aasim Shaheen Sehbai, M.D., and concluded as follows with regard to the allegations in the notice of hearing:

1. By unanimous vote, that the Licensee engaged in the practices of fraud, deceit, and misrepresentation in obtaining a license by misrepresenting the facts of the first disciplinary action taken against him by the Delaware Medical Board and by failing to disclose the complaint filed with the Delaware Division of Professional Regulation by Beebe Healthcare in June 2014, the December 2014 complaint filed against the Licensee by the Delaware Attorney General, and the subsequent Consent Agreement that the Licensee signed on March 19, 2015, in violation of 32 M.R.S. § 3282-A(2)(A).
2. By unanimous vote, that the Licensee did not engage in unprofessional conduct by violating a standard of professional behavior in the practice of medicine in violation of 32 M.R.S. § 3282-A(2)(F).
3. By unanimous vote, that the Licensee was the subject of disciplinary action in Delaware for conduct that would, if committed in the State of Maine, constitute grounds for discipline, by committing unprofessional conduct by issuing two fraudulent letters of recommendation and by asking a patient in May 2014 to sign a letter he drafted, subject to discipline pursuant to 32 M.R.S. §§ 3282-A(2)(M) & 3282-A(2)(F).
4. By unanimous vote, imposed the following sanctions for the Licensee's violations:
 - a. A reprimand.
 - b. A fine of \$1,000, payable within six months of the date of this Decision and Order.Payment shall be remitted to the attention of Katie Feliciano, Investigative Secretary, Maine

Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, by check or money order payable to the Treasurer, State of Maine.

c. A condition of probation, which takes effect upon commencing the practice of medicine in Maine, that the Licensee must inform the Board of his employer.

Dated: December 8, 2015



Maroulla S. Gleaton, M.D.
Chair, Maine Board of Licensure in Medicine

V. APPEAL RIGHTS

Pursuant to the provisions of 10 M.R.S. § 8003(5) and 5 M.R.S. § 11002(3), any party that appeals this Decision and Order must file a Petition for Review in the Superior Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by certified mail, return receipt requested, upon the State of Maine Board of Licensure in Medicine, all parties to the agency proceedings, and the Attorney General.